

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

FRANK CHAPMAN, INDIVIDUALLY  
AND ON BEHALF OF THE ESTATE OF  
JONATHAN CHAPMAN, DECEASED,

*Plaintiff,*

VS.

JENNIE WEISINGER AND  
BURKE CENTER,

*Defendants.*

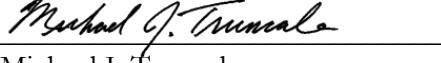
CIVIL ACTION NO. 9:24-CV-00116  
JUDGE MICHAEL J. TRUNCAL

**ORDER DENYING AS MOOT DEFENDANT BURKE CENTER'S  
MOTION TO DISMISS AND BRIEF IN SUPPORT**

Before the Court is Defendant Burke Center's Motion to Dismiss and Brief in Support. [Dkt. 10]. Burke Center filed its motion in this Court on August 26, 2024. *Id.* After the Court granted several extensions [Dkts. 17, 26, 34, 45, 48], Plaintiff Frank Chapman ("Chapman") submitted his Response on January 31, 2025. This Response was filed under seal. Contemporaneously with his Response, Mr. Chapman filed a Second Amended Complaint, also under seal. The Parties have informed the Court of their mutual understanding that Second Amended Complaint moots the pending motion to dismiss [Dkt. 10]. Accordingly, the Court denies the motion.

It is therefore **ORDERED** that Defendant Burke Center's Motion to Dismiss and Brief in Support [Dkt. 10] is hereby **DENIED AS MOOT**.<sup>1</sup>

SIGNED this 5th day of February, 2025.

  
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Michael J. Truncal  
United States District Judge

<sup>1</sup> The dispositive motions deadline under the current Scheduling Order is October 24, 2025. [Dkt. 29 at 2]. Defendant Burke Center is free to re-file its motion to dismiss before that time. Additionally, for the time being, Defendant Jennie Weisinger's Motion to Dismiss [Dkt. 30] remains live.